UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF KENTUCKY
AT LOUISVILLE

NO. C 81-0688 L(A)

BETTY WHITE — PLAINTIFF

VS. — DEPOSITION FOR DEFENDANT

JOHNS-MANVILLE PRODUCTS CORPORATION, ET AL — DEFENDANTS

*** *** ***

DEPONENT: BETTY WHITE

DATE: JULY 1, 1983

*** *** ***

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JOSEPH A. SOERGEL

Reporter

FEE: $143.90

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The deposition of Betty White, taken on discovery, pursuant to notice filed herewith, in the office of Mr. Robert C. Ewald, Wyatt, Tarrant & Combs, 2600 Citizens Plaza, Louisville, Jefferson County, Kentucky, on July 1, 1983, at 10:00 a.m., upon oral examination, and to be used in accordance with the Federal Rules of Civil Procedure.

*** *** ***

A P P E A R A N C E S

For the Plaintiff: Mr. Richard Belliles
Mr. Ronald C. Bakus

For the Defendant: Mr. Robert C. Ewald

*** *** ***

BETTY WHITE called on behalf of the defendant, after being first duly sworn, was examined and testified as follows:

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EXAMINATION

BY MR. EWALD:

Q Would you state your full name, please, Ma'am?

A Betty Jean White.

Q And you're the plaintiff in this case, is that right Mrs. White?

A Yes.

Q All right. Mrs. White, I am going to ask you a lot of questions and if you don't understand them you stop me and tell me that you don't understand a question or if I interrupt you and you have not finished you tell me that I am interrupting you because I don't mean to do that.

A All right.

Q I want to ask you a little bit about your background and your educational experience and so forth and you have told us in some interrogatories already a good deal about that and I believe you were born in[DELETED] on October 24, 1933, is that right?

A Yes.

Q And as I gather you have lived in [DELETED] all of your life?

A Yes.

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Q Now I want to ask you this, have you had any sort of occupational training or education of any kind other than the elementary and high school education you mentioned in your interrogatories?

A No.

Q Are any of your children still living with you?

A Yes.

Q This is the son, Troy?

A Yes.

Q What is his age now?

A Sixteen.

Q What is his date of birth?

A 6-18-67.

Q Now Mrs. White, I have got a list that we obtained from the Social Security Administration after you gave us a release to do so that apparently shows all of the different jobs that you have held in your working career (passing document to counsel for plaintiff) and I have what I would like for you to do now, Mrs. White, is to look over this (passing document to witness) and tell me if it is complete or there is anybody else that you have worked for that isn't listed on there?

MR. BELILES: May we get a copy of that,

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Mr. Ewald?

MR. EWALD: Sure. I would like this filed and identified as Plaintiff Deposition Exhibit 1.

MR. BAKUS: No objections.

(Whereupon Plaintiff Deposition Exhibit 1 consisting of two pages was duly received, marked, made a part of the record)

A I don't remember working at this Chemical Packaging Corporation.

Q Other than that is there anything on there that appears incorrect?

A The last one I don't remember that either.

Q Which one is that?

A Air Filter Sales and Service.

Q You don't remember working for that employer either?

A No.

Q The other ones though you do remember?

A Yes.

Q Is there anything not on there, any job that you know of that is not listed on there, please, Ma'am?

A Well I worked as a waitress for

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one night when I was about 15.

Q Other than that?

A No.

Q All right. Could I have that back for just a second?

A Certainly (passing document to counsel for defendant).

Q I am going to ask you a little bit about each one of these jobs and what you did and what kind of work you did at those different jobs and the first one that shows on here is Lorillard, a Division of Loews Theatres, Inc., in 1953 and 1954, what did you do on that job?

A When I was first hired in I put cartons of cigarettes in a big box after they had been packaged.

Q Is this a cigarette factory?

A Yes.

Q Is that Phillip Morris here in Louisville?

A No, that is P. Lorillard.

Q All right.

A And then I went over to the plug room which was the room where they made, we called them plugs but it was the material that they made the

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filters out of for the cigarettes.

Q Those are the only two places in that plant that you worked what you did?

A No.

Q All right, continue.

A Then I went over on the cigarette floor where they made the cigarettes and I caught on the cigarette machines.

Q All right. Was the conditions in that plant with regard to dust and things that you would breath or inhale, were they good, was it dust-free plant or a lot of dust in there?

A No, it wasn't a dust-free plant. The filter room didn't have any ventilation hardly at all because the material they made the plugs out of was a cotton base and if they had any fans or anything in there it would have blown that all over the place.

Q All right. What about the other parts of the plant where you worked?

A It was air conditioned but there was still dust. When they would fill the hoppers up with tobacco to put into the machines and then the cigarette would come out on the belts, when they would come out sometimes they would burst and then all of th

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tobacco and stuff would be on the belts.

Q Was this primarily tobacco dust then?

A Yes.

Q And in the filter room you were getting dust from the filters themselves?

A Right.

Q Now during that job, to your knowledge, did you ever breath or were you ever exposed to asbestos in any form?

A I don't know.

Q So far as you know you were not?

A No.

Q You have no knowledge of ever being exposed to asbestos there?

A No, I didn't even know what asbestos was.

Q All right. Now the next one where you worked and what is listed on here--well let's go back to P. Lorillard a minute, you worked at Lorillard for about two years?

A No, about a year.

Q All right. And the next one is listed on here is Famco, Inc. and it indicates that you worked there apparently very briefly in 1953?

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A Yes.

Q How long did you work there?

A Approximately 30 days, 60 days.

Q What did you do for them?

A I taped filters for furnaces together and I had, well you know the inside of the furnaces the material that is inside of the furnaces.

Q Yes.

A In other words furnace filters I put together, then you would tape that around into another container.

Q You were or rather their business then was making furnace filters?

A Yes.

Q And you were handling furnace filters?

A Yes.

Q What were these furnace filters made of?

A I don't know.

Q Was that a dusty condition?

A Yes, very.

Q While you worked in that job were you exposed, to your knowledge, to asbestos?

A I don't know.

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Q Now the next one shown here is the Chemical Packaging Corporation and that's the one that you say you don't remember?

A I don't remember working there.

Q Well it indicates that you only worked there one quarter at the most and a total of six dollars and eighty-three cents was paid into Social Security. So if you did it looks like it would have been a very brief job thatyou held there in 1953.

A In '53?

Q No, the date again is 1958, excuse me.

A I don't remember that.

Q All right. At any rate it appears from this that you didn't work from 1953 until about 1966, is that correct?

A Yes.

Q And I suppose during that period of time you were just raising a family?

A Yes.

Q Then in 1967 you went back to work for the Logan Company?

A Yes.

Q How long did you work there?

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A Approximately a year.

Q And what kind of a job were you doing there?

A I worked in Shipping, tagging parts and putting tags on parts to be shipped out.

Q What kind of things were you making there?

A I was making wrought iron parts.

Q All right. Let's go back for a second between 1953 and 1966 while you were just taking care of your family and were not actually working for a gainful salary and at Famco or the Logan Company, were you exposed to asbestos in any way during that period of time?

A Not that I know of.

Q Now during your job at the Logan Company were you ever exposed to asbestos?

A Not that I know of.

Q Was the atmosphere from the Logan Company a dusty one or a relatively dust-free one?

A It was dusty because parts would sit there for a long period of time before they were shipped out.

Q Now this next one that is listed on here is this Air Filter Sales & Services, Inc., at

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Bowman Field in 1966 and that is another one that you don't recall?

A In '66?

Q Yes Ma'am. It looks like you only worked there one quarter according to Exhibit 1.

A (No response from witness)

Q At Building 509 at Bowman Field.

A I don't remember that.

Q You don't recall that?

A No, I don't.

Q All right.

A It had to be a very short period of time.

Q Well according to this it would have been probably no more than three months. (According to Exhibit 1)

A All right.

Q Now the next job on here is the Olin Corporation between 1968 and 1970.

A Yes.

Q What were you doing for them?

A When I was first hired in I was working on the load lines with gunpowder.

Q Was this over in New Albany or Jeffersonville, Indiana, Ma'am?

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A Yes, in Charlestown, Indiana.

Q Charlestown?

A Right.

Q At the Powder Factory over there?

A Yes.

Q Did you do several different jobs while you were working over there?

A Yes. I went from the load lines then down to nitration where I worked in, I never can remember the name of it--no, I went to--well we'll go on to nitration and in nitration I worked in acid and wood pulp.

Q All right. Let me ask you this, in any of those jobs that you were working at the Powder Plant, were those dusty conditions over there?

A Yes.

Q In all of the jobs or some of them?

A In all of the jobs.

Q What kind of dust were you getting

A Well from the Powder Plant or I mean from the load lines at the Powder Plant it was gun powder.

Q All right.

A And from nitration it was the

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wood pulp.

Q And in working at that job were you ever exposed to any asbestos to your knowledge?

A Not to my knowledge.

Q And then after you left Olin then I gather--well were you off for awhile before you went to General Electric?

A Yes.

Q Then in 1972 you went to work for General Electric?

A Yes.

Q What did you do for them, was it more than one job at General Electric?

A Yes.

Q Was your work at General Electric confined to one particular building or did you work in more than one building out there?

A I worked in Building 4 for approximately three years.

Q What do they make in Building 4?

A Refrigerating parts.

Q Parts for refrigerators?

A Right.

Q All right.

A And then I worked in Building 1

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for two weeks.

Q What did they make there?

A Washers and dryers.

Q All right.

A Then I worked in Building 3 for about a year and a half.

Q What did you do there in Building 3, what do they make?

A Dishwashers.

Q Are those the only three buildings that you have worked in out there, please, Ma'am?

A Yes Sir.

Q Were conditions out there dusty or dust free?

A The were dusty.

Q Was any one of the buildings worse than another?

A Yes.

Q Which one was that?

A Building 4.

Q In your work at General Electric, to your knowledge, were you exposed to asbestos?

A Not to my knowledge.

Q Well as you know now we have some reports, medical reports that indicate that they

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have identified asbestos as being present in your lungs?

A Yes.

Q From your own knowledge, do you know where you picked this asbestos up from?

A No, I don't.

Q You know the doctors found it there?

A Yes. Well they haven't found-- I have not had a doctor to tell me definitely that that is what it was. There have been a number of things that they have told me.

Q All right, we'll get to that in a minute but all you know is what the doctors have told you?

A Yes.

Q And you don't know where you picked it up?

A Right.

Q And along the same lines you don't know where you picked it up and you don't have any idea what company manufactured it or distributed it or sold the asbestos that you got, do you?

A No, I don't.

Q Now do you smoke?

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A No.

Q Have you ever smoked?

A Yes.

Q How long have you smoked or how long did you smoke?

A Oh approximately 15 or 20 years.

Q How old were you when you started?

A Fifteen.

Q So you smoked until you were 30 or 35?

A Well I quit for about 10 years off and on.

Q All right. When you did smoke how much did you smoke in the way of cigarettes in a day?

A Not quite a pack a day.

Q Were you ever advised by a physician to stop smoking?

A Not until after my lung surgery.

Q All right. What doctor was it that told you to stop smoking?

A J. Ray Bryant.

Q When was that that he told you?

A In '79.

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Q What did he tell you, did he give a reason why you should stop smoking?

A Well he's like all doctors they're on this kick about smoking and then he said the conditions that my lungs were in that I should quit.

Q Well I am interested in knowing what he told you about the condition of your lungs at that time? What did he say?

A At that time?

Q Yes Ma'am.

A Nothing really. He was on me for smoking.

Q Well didn't he tell you that you had some lung problems at that time?

A Not at that particular time. He told me that I should quit smoking.

Q All right. Let me ask you, Mrs. White, about when you first realized you had a lung problem and what you felt and what caused you to believe that you had some lung problems?

A I really didn't think I had a lung problem until '79.

Q What conditions caused you to think that?

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A I had gone to GE for a physical to be rehired in.

Q All right.

A And the x-rays were abnormal and then they sent me a letter to go to my family doctor or a chest physician so I went to my family doctor.

Q That was doctor who?

A Dr. Fruehwald.

Q All right.

A And he x-rayed me and he said that he didn't see anything on the x-rays so he gave me a note that I could go back out to GE and go to work.

Q Yes Ma'am.

A So then two or three days later he called and said that he had gone over the x-rays again and that they were abnormal and he made an appointment with Dr. J. Ray Bryant and I went to Dr. Bryant and he x-rayed me again and he said that there was abnormality on the x-rays and he said that he couldn't tell what it was and that he wanted to put me in the hospital and do further tests.

Q Did he put you in the hospital?

A Yes.

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Q That was in '79?

A Yes.

Q When did you get a report from him? When did he tell you what the tests disclosed?

A Well after the biopsy.

Q And what did he tell you?

A He told me that it wasn't cancer which that is what I was worried about.

Q Right.

A And just that I had some foreign bodies in the lungs.

Q Did he tell you what they were?

A No.

Q Did he suggest one of the things he suspected was asbestos?

A They said that they were foreign bodies and he said two or three different things and I think asbestos was one of them.

Q What other things did he mention?

A Fiberglass and I don't remember what the other one was.

Q Did he use the word ferruginous?

A Yes.

Q Is that the way that he described those bodies?

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A Yes.

MR. EWALD: Joe, mark this as Plaintiff Deposition Exhibit 2 consisting of four pages and file it please.

MR. BAKUS: No objection.

(Whereupon Plaintiff Deposition Exhibit 2 consisting of four pages was duly received, marked, made a part of the record)

Q Exhibit 2, what has been marked as Exhibit 2, Ma'am, this document which your attorney supplied to me from medical records that I gather he had gotten on his own, have you ever seen this before (indicating)?

A Yes Sir.

Q All right. When did you see this?

A I don't recall.

Q Evidently after getting this or having this problem you did consult an attorney in 1979?

A Yes.

Q And you talked to Mr. Bakus and evidently he contacted Dr. Bryant and got copies of these reports?

A Yes.

Q So I assume in 1979 you were

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concerned about what was causing your lung problem?

A Yes.

Q Did Mr. Bakus show you these documents in 1979 or can you be that specific as to when you saw them?

A No, I cannot because I don't recall.

Q All right. What you recall I gather from these or rather resulting from these tests is the doctor's saying to you that you have foreign bodies in your lungs as Number 1 and another thing is that you think he mentioned that they might be two things that you can recall, fiberglass or asbestos, is that correct?

A Right.

Q All right. Now at that time did you or were you having any problems that you noticed? I realize that the x-rays showed a problem but did you notice any problem of any difficulty in doing the things that you normally or ordinarily do?

A My problems started the last part of '75.

Q All right.

A That is when I went over in Building 3 in the plastics which the materials used

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were fiberglass.

Q All right.

A And I started getting tired all of the time and had shortness of breath.

Q Yes.

A And so it gradually got worse, so I went to my family doctor, Dr. Fruehwald and I figured might as well go to him and I did and he diagnosed it as nerves.

I went on sick leave for 30 or 60 days in '76, the summer of '76 with nerves.

Q Yes Ma'am?

A I went back to work in September I think it was of '76 off of my sick leave and worked until '77 and as the weather started getting warmer and hotter I kept getting tireder, so I quit.

Q When you say tireder was this because of your shortness of breath or just generally being tired?

A Shortness of breath.

Q Anything else besides shortness of breath?

A I was having phlegm that would come up into my throat.

Q I gather you were off work again

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for awhile until you had this physical for reemploymen in 1979?

A Yes.

Q How long were you off?

A From April of '77 until January of '79.

Q Was this because of your shortness of breath that you quit or some other reason?

A Yes, well my daughter was having problems physically.

Q So it's a combination of both of those things?

A Yes.

Q All right. In '79 when you went back did you feel well at that time?

A Well I had almost a year and a half or almost two years of rest.

Q Right.

A So I wasn't under the strain or the stress that I was under before.

Q And apparently your problems at home with your daughter had resolved themselves to some degree?

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A Yes.

Q All right. There was as I under-

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stand it some emotional stress that you were under in '77 that may have been contributing to your feeling of being tired?

A That's possible.

Q All right. In '79 the reasons for that emotional stress had been relieved?

A Yes.

Q And you felt better and you wanted to go back to work?

A Yes.

Q And you did go back to work?

A No.

Q You did not?

A No.

Q And that was because of this report?

A Yes.

Q All right. Now let me ask you this, how do you feel today, Ma'am?

A Well today I feel--I am more short of breath and I get tireder easier than I did when I quit work.

Q All right.

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A I cannot be out in the heat. In the summertime I have to stay in where it is air

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conditioned. If I get out in the heat I cannot breathe.

Q Yes. Is there anything that you used to do, things that you used to do that you don't any longer do or able not to do, in the way of activities?

A There is a lot of things I cannot do now.

Q Well would you tell me what they are?

A Well I used to bowl and I cannot bowl now.

Q All right.

A I used to play ball and I cannot play ball.

Q You're talking about softball?

A Yes, softball. I cannot ride a bicycle.

Q All right.

A I cannot walk for any length of time.

Q How far are you able to walk?

A About a quarter of a mile.

Q All right. 85685121

A Then I start getting short of

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breath.

Q All right. Anything else?

A I cannot do everything in my house like I used to. I cannot clean my windows because of the window cleaner. I can clean my windows and the next day or so then I have bronchitis.

Q The window cleaner somehow or other irritates your throat?

A That's right.

Q All right.

A I can't use Fantastik to clean my woodwork or anything like that because it does the same thing.

Q I see.

A I can't clean my house all in one day, I have to split it up into days.

Q All right. Is that pretty much all of it?

A Yes.

Q Now after this medical report or after you had this biopsy report and so forth in July of '79 and you were told that you had lung problems which were caused by foreign bodies and two things you were told about was fiberglass and asbestos?

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A Right.

Q What was the next medical treatmen that you had?

A (No response from witness)

Q Did you continue your treatment with Dr. Fruehwald or Dr. Bryant?

A I have chest x-rays every six months.

Q All right.

A Since the biopsy.

Q Who does that?

A J. Ray Bryant until November of '82 I think it was.

Q Who are you seeing now?

A Edward Scofield.

Q All right.

A I have been to Dr. Fruehwald, you know, the summer after the biopsy I was to see Dr. Fruehwald about five times with bronchitis in a very short period of time, four or five times and then I was to him last fall with bronchitis.

Q Let me show you or you indicated that you were not sure just when it was that you saw or this letter rather from Dr. Bryant when you saw it and let me show you another document and see if that

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will help you.

A All right.

MR. EWALD: Joe, mark this as Plaintiff Deposition Exhibit 3 and file it.

MR. BAKUS: Fine.

(Whereupon Plaintiff Deposition Exhibit 3 was duly received, marked, made a part of the record)

Q Now, Ma'am, let me show you Plaintiff Deposition Exhibit 3 and look at that which has been marked by the reporter and I'll ask you questions about it (passing document to witness).

A Yes Sir.

Q Do you remember seeing that letter?

A Yes.

Q I assume that was probably prepared by your attorney for your signature was it not?

A Yes.

Q That is dated April 13, 1979?

A Yes.

Q So is it fair to say that by April 13, 1979, at least you had been advised of what Dr. Bryant was reporting if you had not seen his report at least you had been told what it said, had you not?

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A Yes.

Q Now in that letter, Mrs. White, the only particular--well you mentioned the occupation disease of pneumoconiosis?

A Yes.

Q Have you ever been explained or has it ever been explained to you, Ma'am, so that you understand what that occupational disease is, pneumoconiosis?

A No.

Q So you don't really know what that word means at all?

A No.

Q All right. Then you say the occupational disease asbestosis?

A Yes.

Q That is in that letter, right?

A Yes.

Q Now you know what that is, don't you, that is asbestosis, Ma'am, you understand that means a disease caused by asbestos particles in your lungs?

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A Yes.

Q All right. Now you didn't in this letter mention anything about fiberglass, did you

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A No.

Q You continued then your treatment with Dr. Bryant I take it?

A Treatment, what are you talking about?

Q Well x-rays.

A On medication?

Q On medication giving you some medication and so forth?

A No, I was given no medication.

Q Just looking at your x-rays closely every six months?

A And he gave me an examination along with the x-rays.

Q All right. I know that in 1980 that you saw Dr. Anderson, did you see anybody about your lung condition prior to seeing Dr. Anderson other than Dr. Bryant and Dr. Fruehwald?

A Dr. Webb at General Electric.

Q All right. He was the first one who suggested maybe you needed to consult somebody that there might be something wrong with your x-rays?

A Yes. 85685126

Q Anybody other than that?

A I went to Dr. Ballard Wright but

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I don't remember when that was.

Q All right. At any rate---

A (INTERRUPTING) For Workmen's Comp I believe sent me to Ballard Wright.

Q That was after you filed your Workmen's Compensation claim that you went to see Dr. Wright?

A Yes.

MR. EWALD: Joe, mark this Plaintiff Deposition Exhibit 4 and file it, please.

MR. BAKUS: Fine.

(Whereupon Plaintiff Deposition Exhibit 4 was duly received, marked, made a part of the record)

Q Now Exhibit 4 is a letter from Dr. Anderson to your attorney Mr. Bakus, is that correct?

A Yes Sir.

Q And that letter says that Dr. Anderson examined you on December 7, 1979, is that correct to the best of your knowledge when you saw him?

A Yes. 85685127

Q Had you seen this letter before?

A Yes.

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Q When did you see it?

A Around my birthday in '80, around October of '80, the 24th is my birthday in October, October the 24th, somewhere in that area of time.

Q Did you know about it before that time?

A I knew that he had sent a report but I had not seen it.

Q Were you told what that report indicated?

A No.

Q All right.

A When I asked Mr. Bakus what it had in it he said that he was going to wait until he got all of the reports and then we would go over the whole thing together.

Q I see. You did file a Workmen's Compensation claim just a couple of days after that report did you not?

A After which report?

Q The report from Dr. Anderson?

A I thought the claim was filed in April?

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MR. EWALD: Would you mark this as the next

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exhibit, Joe, and file it please.

MR. BAKUS: Fine.

(Whereupon Plaintiff Deposition Exhibit 5 was duly received, marked, made a part of the record)

Q Now look at Exhibit 5, Ma'am, and that has been supplied to me by your counsel with a copy of your Workers' Compensation claim that you filed, Mrs. White, and if you will go to the last page or the second to the last page of that which is not a very clear signature but it's apparently your signature on there (indicating)?

A Yes.

Q And it indicates that it was signed on January 31, 1980, is that correct?

A Correct.

Q Now would you agree with me now that that is when you signed it?

A Yes.

Q All right. So that was three days after this letter from Dr. Anderson, right, and his letter was the 28th of January, 1980, as he dated it?

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A Yes Sir.

Q All right, Ma'am. Did you go into your attorney's office to sign that letter?

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A Yes Sir.

Q This document?

A Yes.

Q Did you read it over before you signed it?

A The document?

Q The Workers' Compensation claim?

A Yes.

Q And you understood what it said?

A Well not all of it.

Q Well I would like for you to look at Page 2, Section 7, on the second page and it is numbered Section 7 down at the bottom of the page.

A Okay.

Q Do you find that?

A Yes.

Q And where it says "Nature of injury or disease"?

A Yes.

Q And then it has listed occupationa disease; pneumoconiosis; asbestosis; foreign bodies in lungs and body?

A Yes.

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Q Did you read that part before you

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signed it?

A Yes.

Q Now as I understand it you don't know what pneumoconiosis means?

A No.

Q You do know what asbestosis means?

A Yes.

Q And foreign bodies in the lungs and the body could mean any kind of foreign bodies, is that right?

A Yes.

Q But the only foreign body that you were sure about or was suspicious enough to list on there was asbestos, is that right?

A Now I wasn't sure about any of them. I had never been told definitely that it was or that I had asbestosis, it was a possibility that it was there.

Q You didn't see Dr. Anderson's report at that time?

A No, I did not.

Q Well I would like for you to turn to the second page of Dr. Anderson's report.

A Yes Sir.

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Q Now where he says in the very last paragraph, "Final Diagnosis: (1) Pneumoconiosis with bilateral pleural thickening and presence of ferruginous bodies."

A Hold it there, what is ferruginous bodies?

Q Well if you would like for me to explain it means asbestos bodies.

A All right.

Q And this indicates the presence of asbestos, asbestosis?

A Yes.

Q And Number 2, he says "Pulmonary asbestosis."

A Yes.

Q Now that is, as you read it there, that is a pretty definite diagnosis, isn't it?

A (No response from witness)

MR BAKUS: Before she answers that let me note an objection to the wording of the wording ferruginous bodies does not mean asbestosis or asbestos bodies, it can be a number of possibilities.

MR. EWALD: Asbestos is the only possibility.

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MR. BAKUS: That is a matter for medical

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or pathological experts to determine.

MR. EWALD: I think you will find that the pathological experts will determine that but at any rate, let me continue.

Q You don't know what ferruginous bodies means, do you?

A No.

Q All right. And Number 2, it says "Pulmonary asbestosis," doesn't it?

A Yes.

Q Do you see anything else in this final diagnosis that indicates any other cause of your lung problems other than that?

A What does Number 1 mean?

Q It says Pneumoconiosis.

A What does that mean?

Q You don't know what that means?

A No.

Q All right. So far as you can tell the only thing that shows what the cause of your problem is is asbestos?

A No, not really.

Q Oh yes, well then what else on there would tell you something different?

A Number 1, I don't know what it

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means and didn't know what it meant at the time, it could have meant anything, it could have meant fiberglass or anything else.

Q But at any rate you didn't see it?

A No.

Q Were you ever told that you had been diagnosed as having pneumoconiosis?

A No, not until around my birthday in '80.

Q Well wait a second now, let's go back to your Workers' Compensation claim.

A All right.

Q On Page 2 where it says pneumoconiosis (indicating)?

A Yes.

Q All right.

A It had not been diagnosed as that. This was different possibilities of what I had.

Q All right.

A I had never had only Dr. Weiss was the first time I had ever heard or got a diagnosis of asbestos or asbestosis.

Q You say it's never been diagnosed as that, Mrs. White, and yet here is a letter from Dr. Anderson, Ma'am (indicating).

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A I didn't know that until Dr. Weiss's report.

Q All right. When you---

MR. BELILES: (INTERRUPTING) Mr. Ewald, I would like for you to let her finish her answer before you start another question, Sir.

Q Are you finished, Ma'am?

A Yes.

Q All right. Well when you signed this Workers' Compensation claim, Mrs. White, did you not?

A Yes.

Q And you took a oath that it was true and raised your hand and swore to it?

A Yes, I did.

Q And you knew that you were swearing that you had asbestosis, didn't you?

A I knew that I was swearing that I had either an occupational disease or the second one, asbestosis, foreign bodies in lungs and body, that is what I swore to.

Q And the only foreign body that you had any knowledge of was asbestos that could have caused it?

A No. I was in a lot of dust. In

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all of the places where I worked that could have caused it. I was in a lot of metal flying around in the air and fragments of things.

Q But you're telling me that you were never told the reason for putting asbestosis down there?

A Because that was one of the possibilities.

Q That is all that you were told?

A Yes.

Q You were never told about this letter from Dr. Anderson that says pulmonary asbestosis?

A No.

Q All right.

A Not until after Dr. Weiss's report came.

Q What about Dr. Weiss's report, Ma'am?

A He said asbestosis.

Q Did you read it, his report?

A I did at sometime or the other.

Q And didn't he in his report--well let's get his report out.

A Yes.

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MR. EWALD: Joe, mark this as Plaintiff Deposition Exhibit 6 and file it, please.

MR. BAKUS: Fine.

(Whereupon Plaintiff Deposition Exhibit 6 consisting of 3 pages was duly received, marked, made a part of the record)

Q Will you look over that letter from Dr. Weiss, please, Ma'am?

A Yes.

Q All right. Is that the report that you're talking about?

A Yes.

Q Could I have that back?

A Yes.

Q That's the report that you indicated that you felt was diagnostic of asbestosis?

A Yes.

Q I'm not arguing with that report but that report was received by you or your attorney sometime prior to October 21, 1980?

A All right.

Q But this is the time when you first saw this letter when you understood that your or rather you understood that your condition was diagnosed as asbestosis?

A Yes.

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Q All right. And that was, in your mind, a conclusive diagnosis of asbestosis and not until this date when you first saw this letter?

A Yes.

Q All right. Now read with me, if you will, Mrs. White, what it says in the last sentence of the third paragraph there, can you read that?

A Her occupational history indicates---

Q (INTERRUPTING) No, no, the last sentence in the third paragraph, "Dr. Anderson diagnosed asbestosis" and I had not seen Dr. Anderson's report?

A Yes.

Q And that is the reason you didn't know Dr. Anderson's diagnosis because you had not seen his report, is that right?

A Yes.

Q Also let me ask you this, Mrs. White, so we're sure, when you signed this Workers' Compensation claim the only thing that you knew about it at that time, the only specific thing that might be causing your problems was asbestos, is that right?

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A No that is not right. I didn't know what the other words meant.

Q All right. But---

A (INTERRUPTING) We filed my Workers' Compensation claim on occupational disease.

Q All right.

A And there was different opinions of different doctors as to what I had.

Q Yes. You understand that is what asbestosis is, is an occupational disease?

A Yes, I understand that.

Q It is an occupational disease.

A That is one of them.

Q Could be hundreds of things causing it couldn't it?

A Right.

Q But the only thing that you specifically mentioned was asbestosis caused from asbestos?

A That is what the Workers' Compensation claim says?

Q Yes.

A No, it is not.

Q All right.

A It covers occupational diseases

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which that could be a number of things.

Q Hundreds of things?

A Okay.

Q Sure.

A Asbestosis, foreign bodies in lungs and body.

Q That could be hundreds of things also?

A Right.

Q The only specific thing that you mentioned was asbestos?

A No, it is not.

Q What other specific things did you mention?

A Occupational disease that covers, all right, that covers as you said a hundred different things.

Q All right. Now we're arguing over semantics I think.

A And foreign bodies.

Q Yes Ma'am. Now you said that you considered the letter from Dr. Weiss then to be the conclusive diagnosis of asbestosis?

A He was the most expert that we had.

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Q All right. Now let me show you, Mrs. White, your affadavit which you signed on March 3 1983, and which has been filed in this record.

A Yes.

Q Is that your affadavit (indicating)?

A Yes, that is my signature on it.

Q Did you sign that?

A Yes.

Q Did you raise your hand and swear that it was the truth?

A Yes.

Q Would you read the first sentence of that affadavit?

A Comes the applicant, Betty White, after being first duly sworn deposes and states as follows.

Q All right. The first of the next sentence now, please, Ma'am.

A "I have never been given a diagnosis of asbestosis by a medical doctor, I did not discover--"

Q Stop right there now.

A Yes.

Q Now you had been given a diagnosis

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of asbestosis by a medical doctor, had you not, Dr. Weiss in his report?

A Along with a number of other things.

Q What other things did Dr. Weiss say other than asbestosis?

A I could not reveal a lot of things because of my Workers' Compensation.

Q Well that's all right, but, Mrs. White, it is not correct when you signed that affadavit that you had never been given a diagnosis of asbestosis by a medical doctor, that sentence is not correct is it, Ma'am?

A I did not discover that I had asbestosis until one year, until one year of the filing of this date.

Q Well answer my question, the first sentence is not correct then, is it?

A It is if you go on and read the rest of it, that it was within one year of this date (indicating).

Q May I see it again?

A Yes Sir (passing document to counsel for defendant).

Q All right. That's the way that yo

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understand it?

A (No response from witness)

Q The fact though is that you had been given a diagnosis of asbestosis by a medical doctor isn't it?

A Yes.

Q And it was given by Dr. Weiss and by Dr. Anderson, right?

A Along with other doctors that had given other diagnoses.

Q All right. But the fact is that during the year preceding the filing of this suit your attorney told you that Dr. Anderson had diagnosed asbestosis?

A Yes.

Q And Dr. Weiss had diagnosed asbestosis?

A Yes.

Q That's right isn't it, Ma'am?

A Yes.

Q But he didn't tell you apparently that Dr. Anderson had diagnosed asbestosis on January 28, 1980, more than a year prior to this suit?

A He didn't tell me until after Dr. Weiss's report came back.

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Q All right. But other than Dr. Weiss and Dr. Anderson you have had no other diagnoses of asbestosis, have you?

A No, only the possibility.

Q Did you ever see Dr. Ballard Wright's report?

A No.

Q Did anyone ever tell you what it said?

A Not until I saw all of the reports in October of 1980.

MR. EWALD: Thank you. That's all.

CROSS EXAMINATION

BY MR. BAKUS:

Q Did you ever see Dr. Weiss yourself?

A No.

Q Did you ever talk to him personall

A No.

Q Did you ever give him any information whatsoever?

A Personally?

Q Yes?

A No.

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Q Do you know how he got his information?

A From the other doctors' reports and pathologists' reports I assume.

Q Isn't it true that all of the information he got was from Mr. Tuggle and no one else?

A Yes.

MR. EWALD: Well I don't think she has any knowledge of that.

THE WITNESS: Well to my knowledge.

Q Mr. Ewald just asked you about or a question about your affadavit, Betty, in the first sentence?

A Yes.

Q I'll go back over that first sentence there and you say, "I have never been given a diagnosis of asbestosis by a medical doctor" when you said that in your affadavit what you're referring to was the fact that a doctor had never told you personally?

MR. EWALD: Objection to leading the witness.

MR. BAKUS: This is cross examination.

MR. EWALD: It's not cross, she's your witnes

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Q Why did you say that, Betty?

A Because a doctor had never told me personally.

Q Thank you. Is everything in that affadavit contained in there after you reviewed it, true?

A Yes.

Q Now Mr. Ewald asked you questions about filing your Workmen's Compensation claim and about whether or not the only specific thing that you knew involved was asbestosis?

A Right.

Q You have even been shown a copy of your Workers' Compensation claim and indicated that you signed it and I will ask you to take a look at Section 6 and it indicates what information you put in there.

A Yes. "Developed occupational disease by inhalations and exposures, inhaled and exposed to dust, fumes, foreign substances, asbestos, fiberglass, mylor, etc."

Q Anything else there?

A It says etc.

Q All right. Thank you, Ma'am.

A Yes.

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Q Now Mr. Ewald asked you some questions about the letter of April 13, 1979, and referring to Plaintiff Deposition Exhibit 3 and referring specifically to certain diseases and you indicated that you don't know what pneumoconiosis is?

A Yes I don't know.

Q All right. You have indicated that you know what asbestosis is, when did you discove what asbestosis is?

A After I was in the hospital.

Q All right. Is there any mention of any other possibilities in your letter of April 13, 1979?

MR. EWALD: Objection because you're pointing out a specific line on that letter to her and it is entirely improper and you're leading and I move to strike the answer.

MR. BAKUS: All right. I will withdraw the question.

Q With regard, as I say I'll withdraw the question and rephrase it, Ma'am, did you sign that letter April 13, 1979?

A Yes.

Q And the letter will speak for itself with regard to all of the information that you

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notified General Electric of, will it not?

A Yes, it will.

Q Thank you, Ma'am. Now when you settled your Workers' Compensation claim do you recall the circumstances involved with the settlement?

A Yes.

Q And was that a confidential agreement?

A Yes.

Q Did General Electric dispute that you had any disease or condition related to them?

A Yes.

Q Mr. Ewald asked you some questions about Dr. Anderson's report, it also contains the words bilateral pleural thickening, do you know what that is?

A No.

Q When you saw Dr. Anderson did you give him a history of things that you were exposed to?

A Yes.

Q Do you recall what you told him about the type of substances that you had been exposed to in your letter?

A Yes.

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Q I'll ask you again and give you this document that Mr. Ewald had presented to you and tell us whether or not the items that he has listed in his report are accurate and the things that you told him.

A Yes.

Q What does that contain?

A What does what contain?

Q The exposures in that first paragraph?

A Acid, wood pulp and fiberglass, asbestos, liquid solder, dust, fumes.

Q All right. Has a medical doctor ever personally told you that you had asbestosis?

A No, only one of possibilities.

Q All right. And if I understand what you're saying then, the diagnosis has been communicated in the form of reports?

A Yes.

Q When did you first discover a diagnosis, yourself personally, a diagnosis of asbestosis?

A Me personally?

Q Yes Ma'am.

A Never.

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Q All right. You have knowledge though that you have received reports and have taken a look at reports of Dr. Weiss and Dr. Anderson?

A Correct.

Q And you believe possibility Dr. Ballard Wright?

A Right.

Q Do you recall when that was?

A It was around the last of October in 1980.

Q All right. Prior to that time did you know or believe that you had asbestosis?

A Only that it was one of a possibilities.

Q All right. When you say possibilities what kind of possibilities are you talking about?

A Possibilities of other occupational diseases.

MR. BAKUS: That's all I have. Thank you.

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REDIRECT EXAMINATION

BY MR. EWALD:

Q Mrs. White, you said or answered

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that question when he asked you when did you discover that you had a diagnosis of asbestosis and you said "me personally, never," I'm not sure I understand because I thought earlier you had agreed with me that when you saw Dr. Weiss's letter you understood that to be a diagnosis?

A He did not tell me personally.

Q No, I don't mean that, when you discovered, when you saw his letter that you had a diagnosis of asbestosis did you not?

A Yes that was in his letter.

Q All right. Now going back to Dr. Anderson's letter, you don't know what pneumoconiosis means?

A No.

Q You don't know what bilateral pleural thickening means?

A No.

Q You don't know what ferruginous bodies are?

A No.

Q The only word in that final diagnosis that you recognize is asbestos or asbestosis

A I didn't even know what asbestos could do to the body.

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Q All right. Now the settlement that you made with General Electric, that was made after the diagnosis was received from Dr. Weiss, wasn't it?

A Yes.

Q All right. Now you said that you didn't discover what asbestos was until after your hospitalization, that is you didn't discover what asbestosis was until after your hospitalization and you didn't mention which hospitalization you were talking about, I don't understand.

A The one in 1979, the lung biopsy.

Q All right. And at that point you discovered what asbestosis was?

A Yes.

Q Someone explained it to you?

A Yes.

Q All right. So that when you received this letter from Dr. Anderson you knew what asbestosis was?

A I didn't see that letter.

Q Well when you first saw it you knew what it was?

A Yes.

Q Right. And in fact when Dr.

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Anderson wrote that letter in January of 1980 you knew what asbestosis was?

A Yes.

MR. EWALD: Thank you. That's all.

THE WITNESS: But I didn't know that I had it.

MR. EWALD: Yes. Thank you, Ma'am.

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